



Docket No.: 953.1013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Toshitaka MINAMI

Serial No. 10/699,664

Group Art Unit: 3748

Confirmation No. 6476

Filed: November 4, 2003

Examiner: NGUYEN, TU MINH

For: EXHAUST GAS PURIFYING EQUIPMENT FOR A DIESEL ENGINE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.


In the "Reasons for Allowance", the Examiner characterizes certain features which the Examiner states that the prior art does not teach. It is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance. By way of example and not limitation, claim 5 does not include the language "second continuous regeneration type DPF" referenced in the statement.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper without further comments addressing the allowability of claims that do not include the abovementioned language.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3/31/2008

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